

FILED

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

99 JUL 29 AM 10: 04

U.S. DISTRICT COURT
N.D. OF ALABAMA

TIMOTHY WATERS,

Plaintiff,

VS

CIVIL ACTION NO. 96-PT-3206-M

WILLIAM C. YOUNG AND
JOHN NETTLES,

Defendants.

ENTERED

JUL 29 1999

MEMORANDUM OF OPINION

The court has considered the entire file in this action together with the Magistrate Judge's Report and Recommendation and has reached an independent conclusion that the Magistrate Judge's Report and Recommendation is due to be adopted and approved. The court hereby adopts and approves the findings and recommendation of the Magistrate Judge as the findings and conclusions of the court. In accord with the recommendation, the defendants' motion for summary judgment is due to be granted; the plaintiff's claims for an immediate parole hearing and for release on parole are due to be dismissed without prejudice to his right to re-file the claims in a petition for a writ of habeas corpus, after he has exhausted available state remedies; and the plaintiff's claims for compensatory and punitive damages are due to be dismissed with prejudice. An appropriate order will be entered.

DONE, this 29th day of July, 1999.

ROBERT B. PROPST,
UNITED STATES DISTRICT JUDGE

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